



TESSERA 3.3-018 CONT CONT II DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Khandros, et al.

Application No.

Filed: April 6, 2001

Date: April 9, 2001

For: MICROELECTRONIC ASSEMBLY
HAVING ENCAPSULATED WIRE
BONDING LEADS

X

Box DAC
Commissioner for Patents
Washington, D.C. 20231

PETITION TO CORRECT CORRESPONDENCE FILING
DATE FOR "DATE-IN" INCORRECTLY ENTERED
ON EXPRESS MAIL LABEL (37 C.F.R. 1.10(d))

Sir:

This is a petition to accord the above-identified application a filing date of April 6, 2001, which is the date the application was deposited with the United States Postal Service (U.S.P.S.) with proper postage.

Submitted herewith as EXHIBIT A is an Affidavit of Megan Doktor, the clerk who hand-delivered the envelope to the U.S.P.S. before the close of business on April 6, 2001. Also submitted herewith as EXHIBIT B is an Affidavit of Phyllis Kelly, Manager of U.S. Patent and Trademark Administration. These affidavits set forth when the discrepancy was discovered and establish that this petition is being filed promptly

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on April 9, 2001.

(Signature)

ARNOLD H. KRUMHOLZ

Typed or Printed Name of Person Signing Certificate

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APR 16 2001

OFFICE OF PETITIONS

thereafter. The Affidavit of Ms. Doktor includes the Express Mail log containing the entry of the Express Mail label and the date and time the envelope was delivered to the U.S.P.S.

Submitted herewith as EXHIBIT C is a true copy of the first page of the correspondence which was filed, showing both the date on which the correspondence was mailed as Express Mail Label No. EL756209995US and that the number of the Express Mail was placed thereon prior to mailing.

Correction of the filing date is required because the wrong "Date-In" was entered by the U.S.P.S. on the original "Express Mail" label attached to the envelope to be delivered to the PTO. Submitted herewith as EXHIBIT D is a photocopy of a computer report from the U.S.P.S. containing Express Mail label number EL756209995US mailed under this firm's corporate account (No. 070255) and the mailing date of April 6, 2001.

The petition fee in the amount of \$130 or any fee deficiency should be charged to applicant's attorneys' deposit account no. 12-1095.

It is believed that more than sufficient evidence has been provided to establish that the mailing date was incorrectly entered on the Express Mail label by the U.S.P.S., and that such evidence is corroborated from the U.S.P.S. within one business day of the actual deposit. It is respectfully requested that this petition be granted and the above application be accorded a filing date of April 6, 2001, the date of mailing by Express Mail.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP



ARNOLD H. KRUMHOLZ
Reg. No. 25,428

600 South Avenue West
Westfield, New Jersey 07090
Telephone: (908) 654-5000
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Washington, D.C. 20231

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OFFICE OF PETITIONS

AFFIDAVIT OF MEGAN DOKTOR

Sir:

I, MEGAN DOKTOR, declare as follows:

1. I work for the firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP in a temporary position as a clerk in the firm's Office Services Department. It was my responsibility on April 6, 2001 to personally hand-deliver to the United States Postal Service (U.S.P.S.) in Westfield, NJ, prior to the close of business (5:00 p.m.) all correspondence being mailed to the United States Patent and Trademark Office (PTO) via Express Mail.

2. Immediately prior to my hand-delivering the correspondence to the U.S.P.S. on April 6, 2001, and in accordance with my normal practice, I entered in the firm's daily Express Mail log the date, the Express Mail label number, the time and my initials. Attached is a copy of the Express Mail log which contains the entry for Express Mail Label No. EL756209995US.

3. On April 6, 2001, I also hand-delivered four (4) envelopes to a postal clerk at the Westfield Post Office

at approximately 5:00 p.m. The postal clerk returned the Express Mail receipts to me after entering the "date-in" and other information on the label. When I returned to my office, I delivered the Express Mail receipts to Phyllis Kelly, the firm's Manager of Patent and Trademark Administration.

4. These statements are being made within one business day after the occurrence.

April 9, 2001
Date

Megan Doktor
MEGAN DOKTOR

STATE OF New Jersey :
: ss:
COUNTY OF Union :

On this 9th day of April, 2001, before me personally came the above-named Megan Doktor to me personally known as the individual who executed the foregoing instrument, who acknowledged to me that the same was executed by her of her own free will for the purposes therein set forth.

Suzanne Kahaly
Notary Public

SUZANNE KAHALY
A Notary Public of New Jersey
My Commission Expires January 31, 2005

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EXPRESS MAIL LOG

[illegible]

3. In accordance with the firm's normal practice, a USPS computer record is obtained for each document mailed to the PTO via Express Mail. The computer record for the

application mailed bearing Express Mail Label No. EL756209995US contains the mailing date of April 6, 2001, the date the application was deposited at the Westfield Post Office.

4. On April 9, 2001, I contacted Shawn Boyle, the Supervisor of Customer Service at the Westfield Post Office. I was advised by Mr. Boyle that the last scheduled pickup of "Express Mail Post Office to Addressee" service on business days is 6:00 p.m. Mr. Boyle also confirmed that on April 6, 2001, the last scheduled pickup was 6:00 p.m.

5. These statements are being made within one business day after the occurrence.

4/9/01

Date

Phyllis Kelly
PHYLLIS KELLY

STATE OF New Jersey :
: ss:
COUNTY OF Union :

On this 9th day of April, 2001, before me personally came the above-named Phyllis Kelly to me personally known as the individual who executed the foregoing instrument, who acknowledged to me that the same was executed by her of her own free will for the purposes therein set forth.

Suzanne Kahaly
Notary Public

SUZANNE KAHALY
A Notary Public of New Jersey
My Commission Expires January 31, 2005

304188_1.DOC

EXPRESS MAIL LOG

[illegible]

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090

Telephone: (908) 654-5000
Facsimile: (908) 654-7866

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APR 24 2001

PETITIONS OFFICE

FACSIMILE TRANSMITTAL

TO:	FROM:
INDIVIDUAL: Mrs. Hicks	JODI LANG
FIRM/COMPANY: PTO	
FAX: 703 308-6916	(908) 654-7866
PHONE:	(908) 518-6418
DATE: 4/24/01	CLIENT NO.: GOE
# PAGES (TOTAL): 2	MATTER NO.: 1
ORIGINAL BEING MAILED YES	X NO

Message:

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PLEASE ACKNOWLEDGE
RECEIPT BY RETURNING
THIS CARD.

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TESSERA 3.3-018 CONT CONT II DIV CONT CONT II
MICROELECTRONIC ASSEMBLY HAVING ENCAPSULATED
WIRE BONDING LEADS

PETITIONS OFFICE

1. Utility Patent Application Transmittal
2. Fee Transmittal
3. 71 pages of specification
4. 20 sheets of drawings (A-4)
5. Executed Declaration (3 pages)
6. Preliminary amendment

KVP/las
4/6/01

